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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,769

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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,769

Applicant(s)

HOSAKA, TOSHIYUKI

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10-14,16 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10-14,16 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Cancelled claims

1. The examiner takes notice of the applicant's cancellation of claim 4 in addition to the already cancelled claims 2, 9, 15, and 17-21.

Claim Objections

2. Claim 29 is objected to because of the following informalities: Claim 29 is dependent of a canceled claimed. Claim 29 is not being examined due to the indefinite nature of its limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 14, 16, 24, and 27 recite the limitation "wherein said predetermined time" in the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-8, 10-14, 16, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahama et al. (US 2003/0032478), "Takahama" in view of Wells (US 6,846,238), "Wells".

Takahama teaches

7. Claim 1, 5, 6, and 14, 22, 26: Takahama discloses:

- Projecting a moving image on a predetermined area in a game board of a game machine from the back of a panel, (Fig. 25, ¶ 0130), wherein the moving tennis ball or opponent is analogous to the moving image.
- Projecting a still image on the game board outside of the predetermined area, (¶0137, ¶0065), wherein the court is the still image or background for the display.
- Wherein a position, a number, and a size of said predetermined area where said moving image is displayed are set as parameters (¶0137), and more than one parameter is changed at a predetermined time while the moving image and the still image are displayed (¶0137).

8. Furthermore, it is necessarily present that a projection mechanism capable of projecting a moving image can project a still image of a game board as it is a fact that a projection of a moving image is simply a series of still images rapidly shown one after another. Thus, the display of Takahama is capable of the moving and still images of the claimed invention. Regarding the position, number and size of the predetermined area of the moving image is simply a matter of storing the proper plurality of still images on a computer readable medium and sending those images to the projector.

9. Claim 3; Takahama discloses changing more than one of said parameters when a player comes close to or moves away from the game machine by at least one predetermined distance (¶0104).

10. Claim 7; Takahama discloses said control unit causes said projection mechanism to alter at least one of said parameters when the predetermined time equals

a time of a change of a game state in the game machine (¶0139). Depending on the speed and direction of the serve, the ball character will 'move' more (change of parameters).

11. **Claim 8; Takahama discloses** means for inputting a game machine information image that displays game machine information of the game machine, and wherein said control unit causes said projection mechanism to projection display the game machine information image as said still image (¶0138). Game information such as the tennis court, opponent character, scores, and acquired sets.

12. **Claims 10 , 14, 16, 24, and 27; Takahama discloses** said parameters when the predetermined time equals at least one of a time at which said control unit has determined that a player has come within a predetermined distance to the game machine (¶0062, ¶0066, and ¶0139), on the basis of a sensor signal outputted by a user sensor, and a time at which said control unit has determined that the player has moved away from said game machine more than a predetermined distance (paragraphs 66 and 139), on the basis of the sensor signal.

13. **Claim 11; Takahama discloses** a main control unit, which causes said display apparatus for a game machine to projection display said moving image and said still image (fig. 27, item 1400, ¶0133).

14. **Claim 12; Takahama discloses** a user sensor that outputs a sensor signal permitting determination as to whether a player has come within a predetermined distance to said game machine; and wherein said main control unit causes said display apparatus for a game machine to projection display said moving image and said still image such that at least one of said parameters is altered when the predetermined time equals at least one of s time at which said main control unit has determined that the player has come within the predetermined distance to said game machine (¶0066 and ¶0139), on the basis of the sensor signal outputted by said user sensor, and a time at which said main control unit has determined that said player has moved away from said

game machine by more than said predetermined distance (§0066 and §0139), on the basis of said sensor signal.

15. **Claim 13;** Takahama discloses a game machine as defined in claim 10 (fig. 25; §0130-§0139).

16. **Claim 22;** Takahama discloses changing more than one of said parameters when a state of the game machine changes during a game (§0139).

Takahama fails to teach

17. **Claims 1, 5, 6, 14, 23, 25, 26, and 28;** Takahama discloses the invention as claimed except for displaying at least one of a broadcast and a distributed image as at least one of said moving and still images. Instead, Takahama teaches a one or two player game wherein the game is played without being networked (§0074). Takahama also fails to mention the use of menus to select game parameters; the examiner believes that this feature is well known.

Wells teaches

18. **Regarding claims 1, 5, 6, 14, 23, 25, 26, and 28;** In an analogous gaming reference, Wells teaches, "broadcast events, including television programming, may be provided to the main display monitor, the secondary display monitor or the remote display" (Wells, col. 13:59-67). One of ordinary skill in the art would have seen the benefit of modifying Takahama with a secondary display since "many game players would like to continue game play while performing an activity, such as getting a meal or going to a sports book..." This action would require the player to leave the game, which the player is reluctant to do because the player does not want to give up the machine. Further, the gaming establishment is reluctant to reserve the machine because while a gaming machine is reserved it does not generate revenue (Wells, col. 2:18-38). Wells teaches solving this problem with a secondary display to provide food menus, make sports wagers, or watch broadcast television (col. 13:51 – col. 14:16).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Takahama with a secondary display displaying broadcast television as taught by Wells to provide additional services as discussed while still playing the game.

20. Wells also teaches the use of menus driven by the touch of a button or input device where the images shown are still images of menu choices and the display images changes according to the players inputs, such as changes in parameters (such as amount of coin bet or speed of the machine play or weapon selection for the specific stage of the game), (Col. 6:36-53).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Takahama with Wells menus and parameter changes during play, to allow the player the ability to modify strategy during the game, keeping the player interested in the game longer.

Citation of Prior Art

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wells (US 2004/0029636 A1), Gaming device having a 3-D display. Uchiyama et al (US 6,638,165 B2), Virtual image superimposed and slot machine. Motegi et al (US 6,817,946 B2), Superimposed image in gaming machine. Loose et al (US 6,517,433 B2), Superimposed video over reels image with refracted projection.

Response to Arguments

23. Applicant's arguments with respect to claims 1, 3-8, 10-14, 16, and 22-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

07/08/2007



Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714